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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,100	01/22/2002	Jason Albert Reading	6311-019	9635
21890	7590	07/25/2007		
PROSKAUER ROSE LLP PATENT DEPARTMENT 1585 BROADWAY NEW YORK, NY 10036-8299			EXAMINER TIV, BACKHEAN	
			ART UNIT 2151	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/055,100	<b>Applicant(s)</b> READING ET AL.	
	<b>Examiner</b> Backhean Tiv	<b>Art Unit</b> 2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/21/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

Claims 41-80 are pending. Claims 1-40 were cancelled in the Amendment filed on 8/24/06. Claims 41-80 were amended on 3/20/07. This is a response to the RCE filed on 5/21/07.

***Claim Objections***

Claims 68 is objected to because of the following informalities:

As per claim 68, the applicant has amended claim 68 however improperly labeled it as "previously presented". The label should be "currently amended".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 41-80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 41-55, 68-80, recites the limitation "performing the activity", it is unclear whether "performing the activity" refers to "performing the second activity" or whether it's another activity other than the first or second..

As per claim 56-67, recites the limitation "one of said plurality of activity servers does not perform the activity or if the next activity is not" is unclear whether "the activity" is the "second activity" or whether is another activity other than the first or second.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 41-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,308,163 issued to Du et al.(Du '163) in view of US Patent 6,041,306 issued to Du et al.(Du, '306) in further view of US Patent 5,522,070 issued to Sumimoto.

As per claim 41, Du '163 teaches a method for processing a workflow, wherein said workflow

(1) includes a plurality of activities and workflow transition information (col.1, lines 21-45),

the method comprising the steps of:

a) retrieving from a workflow queue operative to handle said workflow and the other workflows, said workflow packet being retrieved by one of said activity server performing the first activity (col.1, lines 21-45, col.5, lines 28-43);

b) executing or performing the first activity, said activity being executed by said one of said activity server (col.1, lines 21-45, col.5, lines 28-43);

c) determining whether a next activity of said workflow that is to be performed immediately following the first activity is the second activity, based on said workflow transition information (col.1, lines 21-45, col.11, lines 26-52);

d) if the next activity is the second activity, and, if said one of said plurality of activity servers performs the second activity, performing the activity, by said one of said plurality of activity servers (col.1, lines 21-45, col.11, lines 26-52);

e) if said one of said plurality of activity servers does not perform the second activity or if the next activity is not the second activity, forwarding control of said workflow back to said workflow queue (col.1, lines 21-45, Fig.5, 6);

f) repeating steps a – e, as necessary, until all of said plurality of activities in said workflow are executed (col.1, lines 21-45).

Du '136 however does not explicitly teach (2) is constituted by at least one workflow packet each containing instructions requiring at least one of the plurality of activities; a workflow packet containing instructions requiring at least a first one and a second one of said plurality of activities to be executed; the use of workflow being processed by a plurality of activity servers, each of said plurality of activity servers performing at least one of said plurality of activities.

Du '306 teaches (2) is constituted by at least one workflow packet each containing instructions requiring at least one of the plurality of activities (Abstract, Fig.3,8,9, col.3, lines 4-10, col.4, lines 34-41, 51-56); a workflow packet containing instructions requiring at least a first one and a second one of said plurality of activities to be executed (Abstract, Fig.3,8,9, col.3, lines 4-10, col.4, lines 34-41, 51-56).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Du '136 to include instructions for multiple activities in a packet as taught by Du '306 in order to provide a system for flexible process instantiation, resource assignment and application execution(Du '306, col.2, lines 63-65).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Du '136 and '306 in order to provide a system for flexible process instantiation, resource assignment and application execution(Du '306, col.2, lines 63-65).

Du '136 and '306, however does not explicitly teach the use of workflow being processed by a plurality of activity servers, each of said plurality of activity servers performing at least one of said plurality of activities.

Sumimoto teaches the use of workflow being processed by a plurality of activity servers, each of said plurality of activity servers performing at least one of said plurality of activities (Fig.1, 13-20,col.6, lines 1-42).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Du '136 and '306 to use multiple activity servers to proves a plurality of activities as taught by Sumimoto in order to distribute processes to computers in the network to obtain the result in a short period of time (Sumimoto, col.1, lines 40-42).

One ordinary skill in the art would have been motivated to combine the teachings of Du '136 and '306, and Sumimoto in order to provide a method to distribute processes

to computers in the network to obtain the result in a short period of time (Sumimoto, col.1, lines 40-42).

As per claim 42, wherein said workflow packet includes a process state (Du '136, col.1, lines 21-45, Sumimoto, col.1, lines 40-42). Motivation to combine set forth in claim 1.

As per claim 44, further comprising a database for storing said transition information, said method further comprising the step of: retrieving said transition information from said database, said transition information being retrieved by all of said plurality of activity servers (Du '136, col.1, lines 21-45, Fig.1-11, col.10, lines 11-29).

As per claim 43, wherein the step of forwarding to said workflow queue includes the steps of persisting said workflow packet requiring said next activity and said next process state; and forwarding said workflow packet to said workflow queue for one of the plurality of activity servers providing said next activity (Du '136, col.1, lines 21-45, col.8, lines 51-65).

As per claim 45, wherein at least one of said plurality of activity servers performs more than one of said plurality of activities (Sumimoto, Figs.1-20). Motivation to combine set forth in claim 1.

As per claim 46, wherein at least one of said plurality of activities is an automatic activity (Du '136, col.1, lines 21-45).

As per claim 47, wherein at least one of said plurality of activities is a manual activity for receiving an input from a user (Du '136, col.1, lines 21-45).

As per claim 48, wherein said manual activity manages a user interface with said user (Du '136, col.1, lines 21-45).

As per claim 49, wherein more than one of said plurality of activities is a manual activity and wherein said more than one of said plurality of activities are aggregated in one of said plurality of activity servers (Du '136, col.1, lines 21-45, Sumimoto, Figs.1-20). Motivation to combine set forth in claim 1.

As per claim 50, wherein said one of said plurality of activity servers interfaces with a desktop server for providing a user interface to a user (Du '136, col.1, lines 21-45, Sumimoto, Figs.1-20). Motivation to combine set forth in claim 1.

As per claim 51, wherein at least one of said plurality of activities is performed by more than one of said plurality of activity servers (Sumimoto, Figs.1-20). Motivation to combine set forth in claim 1.

As per claim 52, further comprising the step of: receiving an event notification requesting that said workflow be processed; and initiating said workflow (Du '136, col.5, lines 28-41).

As per claim 53, the method of claim 1, wherein said transition information includes a routing transition (Du '136, col.1, lines 21-45, col.4, line 64-col.5, line 62).

As per claim 54, the method of claim 13, further comprising the step of: performing more than one of said plurality of activities and more than one routing transition in a single transaction in one of said plurality of activity servers (Du '136, col.1, lines 21-45, Sumimoto, Figs.1-20). Motivation to combine set forth in claim 1.



As per claim 55, wherein said transition information includes a route number, a node number, a routing transition and a next node number (Du '136, col.1, lines 21-45, Fig. 8-11, Sumimoto, Figs. 1-20). Motivation to combine set forth in claim 1.

As per claims 56-80, they do not teach or further define over the limitations in claims 41-55. Therefore claims 56-80 are rejected for the same reasons as set forth in claims 41-55.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Wallace can be reached on (571) 272-3440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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7/18/07

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SPE ART UNIT 2151